

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

| | | |
|---------------------------|---|----------------------|
| UNITED STATES OF AMERICA, |) | |
| |) | |
| Plaintiff, |) | 4:11CR3134 |
| |) | |
| v. |) | |
| |) | |
| JESSE WAYNE HARRIS, |) | MEMORANDUM AND ORDER |
| |) | |
| Defendant. |) | |

The defendant's trial, originally scheduled for February 21, 2012, was cancelled because the defendant stated he wanted to enter a change of plea. The change of plea hearing was set and then continued. On April 30, 2012, defense counsel filed a motion to withdraw and the court appointed new counsel.

After conferring with new counsel, the defendant requests that the court reset this matter for trial. With the defendant's consent, the time between May 14, 2012 (when the court allowed defendant's prior counsel to withdraw from this case) and July 9, 2012 (the date of trial) will be excluded inasmuch as the defendant now has new counsel, and the defendant's change of mind regarding entering a plea has disrupted the normal scheduling practices of this court, and the parties' ability to anticipate the need to prepare for trial, including securing the availability of necessary trial witnesses. Accordingly,

IT IS ORDERED:

- 1) Trial is set to begin at 9:00 a.m. on July 9, 2012, for a duration of three trial days before the before the Honorable Richard G. Kopf in Courtroom 1, United States Courthouse and Federal Building, 100 Centennial Mall North, Lincoln, Nebraska. Jury selection will be at the commencement of trial.

- 2) The time between May 14, 2012 and July 9, 2012, shall be deemed excludable time in any computation of time under the requirements of the Speedy Trial Act, for the reason that the parties require additional time to adequately prepare the case for trial, taking into consideration due diligence of counsel, the novelty and complexity of the case, and the fact that the failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(7)(A) & (B).

May 23, 2012.

BY THE COURT:

s/ Cheryl R. Zwart

United States Magistrate Judge